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PERRIN, JOSEPH L

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**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

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*Ex parte*

JEFFREY A. BLANSIT, JOHN VIRA, GABRIEL DOMINGUEZ,  
and MARION A. MUSHINSKI

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Appeal 2008-3957  
Application 10/762,392  
Technology Center 1700

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Decided: September 12, 2008

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Before ERIC GRIMES, RICHARD M. LEOVITZ, and MELANIE L.  
McCOLLUM, *Administrative Patent Judges*.

McCOLLUM, *Administrative Patent Judge*.

**DECISION ON APPEAL**

This is an appeal under 35 U.S.C. § 134 involving claims to a drip tray sanitizing system. The Examiner has rejected the claims as obvious. We have jurisdiction under 35 U.S.C. § 6(b). We reverse.

## INTRODUCTION

Claims 1-24 are pending and on appeal. We will focus on claims 1 and 15, which read as follows:

1. A drip tray sanitizing system, comprising:

a pump having an inlet port and an outlet port, wherein the inlet port is in communication with a sanitizing fluid source; and

a spray manifold disposed in a drip tray of a product dispenser, the spray manifold having an inlet port in communication with the outlet ports of the pump and multiple exit ports, wherein, when energized, the pump delivers a sanitizing fluid through the outlet ports of the spray manifold and into the drip tray for cleansing or sanitizing purposes.

15. A product dispenser, comprising:

a housing, wherein the housing includes a controller;

a drip tray disposed on the housing; and

a drip tray sanitizing system, wherein a spray manifold, disposed in the drip tray, is coupled to a pump in communication with a sanitizing fluid source to deliver a sanitizing fluid to the drip tray for cleansing or sanitizing purposes when the sanitizing system is energized.

## OBVIOUSNESS - POINDEXTER

Claims 1-14 stand rejected under 35 U.S.C. § 103(a) as obvious over Poindexter (US 5,398,517, Mar. 21, 1995) (Ans. 3). The Examiner relies on Poindexter for disclosing “an apparatus for periodically cleaning [a] water collection tray of [a] potable water collection system” (*id.*). The Examiner finds that Poindexter discloses a valve 88, a pump 82 having an inlet port 84 and an outlet port 86, a spray manifold 40, 42, 44, a sanitizing fluid source, and a “controller 90 controlling the pump and valve to spray sanitizing fluid via the spray manifold[] to clean the tray” (*id.* at 3-4). The Examiner concludes that it would have been obvious “to use the cleaning system

taught by POINDEXTER to sanitize the drip tray of a product dispenser, because the drip tray and the collection tray taught by POINDEXTER are functionally equivalent, because both trays are used to collect the drip from the fluid dispensing apparatus” (*id.* at 4). The Examiner also concludes:

rearranging the nozzles in the tray and below the coils such that in operation the nozzles spray upwardly and gravity assists in sanitizing the flowpath as the sanitizing fluid returns downwardly to the tray would result in an apparatus that yields the same predictable result in sanitizing the flowpath including the drip tray.

(*Id.* at 9.)

Appellants contend that it would not have been obvious to place Poindexter’s spray manifold into a drip tray (App. Br. 6).

#### *Issue*

The issue is whether the Examiner has set forth a prima facie case that it would have been obvious to place Poindexter’s spray nozzle in a drip tray of a product dispenser.

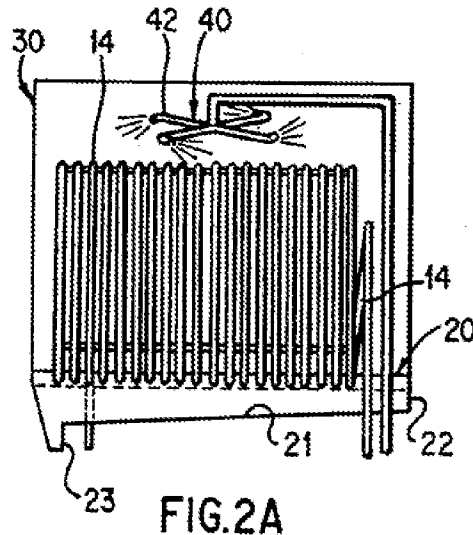
#### *Findings of Fact*

1. Poindexter discloses a cleaning apparatus “contained within [a] potable water collection apparatus, to selectively clean the cooling coil and the collection pan, when the collection apparatus is not collecting potable water” (Poindexter, Abstract).

2. Poindexter discloses that the cleaning apparatus “comprises a cleaning fluid supply source and a rinsing fluid supply source; a valve in communication with the cleaning supply source and the rinsing supply source; a pump in communication with the valve, and a fluid dispersing apparatus” (*id.*).

3. Poindexter also discloses that the cleaning apparatus comprises “a hood enclosure to selectively enclose the cooling coils and the inner surface of the collection pan” (*id.* at col. 2, ll. 35-37).

4. Poindexter Figure 2A is reproduced below:



This figure is “a side sectional view of the hood enclosure [30], showing the fluid dispersing means [40], in the form of at least one rotating spray nozzle [42], located above the cooling coils [14]” (Poindexter, col. 3, ll. 11-14, & col. 4, ll. 4-6 & 35-36). The collection tray 20 “is located beneath the cooling coils 14, to receive condensation in the form of water droplets, which collect on the outside of the cooling coils 14” (*id.* at col. 3, ll. 56-61). “The hood enclosure 30 isolates the cooling coils 14 and the inner surface of the collection tray 20 from the rest of the potable water collection apparatus 10 for ease of cleaning” (*id.* at col. 4, ll. 7-10).

5. Poindexter also discloses that the fluid dispersing means may be located “between the cooling coils 14, beside the cooling coils 14 or beneath the cooling coils 14” (*id.* at col. 4, ll. 40-43).

*Analysis*

Poindexter discloses a cleaning apparatus containing a fluid dispersing means, in the form of a spray nozzle, “to selectively clean the cooling coil and the collection pan” of a water collection apparatus (Findings of Fact (FF) 1-2 & 4). The Examiner acknowledges that Poindexter does not teach disposing its fluid dispersing means in a drip tray of a product dispenser (Ans. 4). The Examiner finds, however, that a drip tray of a product dispenser is functionally equivalent to Poindexter’s collection tray and concludes, therefore, it would have been obvious to use Poindexter’s cleaning system to sanitize the drip tray (*id.*). However, even assuming that it would have been obvious to use Poindexter’s cleaning apparatus to sanitize a drip tray, we agree with Appellants that the Examiner has not set forth a prima facie case that it would have been obvious to dispose Poindexter’s fluid dispersing means in the drip tray.

In particular, although Poindexter discloses that the fluid dispersing means may be located beneath the cooling coils (FF 5), Poindexter does not disclose disposing its fluid dispersing means in the collection tray itself. The Examiner argues that “rearranging the nozzles in the tray . . . such that in operation the nozzles spray upwardly . . . would result in an apparatus that yields the same predictable result in sanitizing the flowpath including the drip tray” (Ans. 9). We agree with the Examiner that, if Poindexter’s fluid dispersing means was located in the collection tray, the nozzles would need to disperse fluid upwardly towards the cooling coils. However, the Examiner has not provided an adequate explanation of why it would have

been obvious to dispose such a fluid dispersing means in a drip tray of a product dispenser.

For these reasons, we agree with Appellants that the Examiner has not set forth a prima facie case that it would have been obvious to dispose Poindexter's fluid dispersing means in a drip tray of a product dispenser. We therefore reverse the obviousness rejection of claim 1 and of claims 2-14, which depend from claim 1.

#### OBVIOUSNESS – POINDEXTER AND LINDNER

Claims 15-24 stand rejected under 35 U.S.C. § 103(a) as obvious in view of Poindexter and Lindner (US 3,942,685, Mar. 9, 1976) (Ans. 4). The Examiner relies on Poindexter as discussed above (*id.*). The Examiner relies on Lindner for disclosing “a product dispenser comprising a housing including a controller and drip tray disposed on the housing” (*id.* at 5). The Examiner concludes that it would have been obvious “to use the cleaning system taught by POINDEXTER in the product dispenser taught by LINDNER to obtain the claimed product dispenser, because the drip tray of LINDNER and the collection tray taught by POINDEXTER are functionally equivalent” (*id.*) and because “a sanitizer system with spray manifold could be used in combination with a conventional product dispenser to achieve the predictable results of sanitizing a drip tray” (*id.* at 10).

Appellants contend:

[T]he only disclosure that a sanitizing nozzle be placed in a drip tray is found in Applicant[s'] disclosure. Lindner has no disclosure illustrating a sanitizing nozzle in his drip tray and Poindexter teaches away from placing his spray nozzle in a lower region of his collection path. Accordingly, the only motivation to place Poindexter's spray nozzle into Lindner's

drip tray is found in Applicant[s'] invention, which constitutes a "hindsight reconstruction" of Applicant[s'] invention using Applicant[s'] disclosure.

(App. Br. 12.)

*Issue*

The issue is whether the Examiner has set forth a prima facie case that it would have been obvious to place Poindexter's spray nozzle in the drip tray of Lindner's product dispenser.

*Findings of Fact*

6. Lindner discloses a dispensing assembly "arranged for quick disassembly for cleaning and maintenance for the dispensing of beverages in a highly sanitary and efficient manner" (Lindner, col. 1, ll. 9-12).

7. Lindner's dispensing assembly includes a housing, a nozzle means, and a drip tray "detachably connected to the housing below the nozzle means" (*id.* at col. 1, l. 50, to col. 2, l. 49).

8. Lindner discloses that the drip tray has a "trough for receiving any beverage dripping[s]" (*id.* at col. 2, ll. 50-55).

9. Lindner also discloses that the drip tray "is easily and readily removable from the housing . . . for cleaning when dripping or leakage does occur" (*id.* at col. 8, l. 67, to col. 9, l. 1).

*Analysis*

For the reasons discussed above with regard to claim 1, we do not agree with Appellants that "Poindexter teaches away from placing his spray nozzle in a lower region of his collection path" (App. Br. 12). In fact, as discussed above, we find that Poindexter teaches locating its fluid dispersing means beneath the cooling coils (FF 5). However, as acknowledged by the



Examiner, Lindner does not teach incorporating the claimed sanitizing system into its dispensing assembly (Ans. 5). In addition, we agree with Appellants that the Examiner has not set forth a prima facie case that it would have been obvious to incorporate Poindexter's cleaning apparatus into Lindner's dispensing assembly, such that Poindexter's fluid dispersing means is disposed in Lindner's drip tray.

The relevant question is "whether there was an apparent reason to combine the known elements in the fashion claimed by the patent [application] at issue." *KSR Int'l v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007). "[A]ny need or problem known in the field of endeavor at the time of invention and addressed by the patent can provide a reason for combining the elements in the manner claimed." *Id.* at 1742. The Examiner finds that Lindner's drip tray is functionally equivalent to Poindexter's collection tray (Ans. 5). The Examiner also finds that "a sanitizer system with spray manifold could be used in combination with a conventional product dispenser to achieve the predictable results of sanitizing a drip tray" (*id.* at 10).

Even assuming that it would have been obvious to use Poindexter's cleaning apparatus to sanitize Lindner's drip tray, the Examiner has not set forth a prima facie case that it would have been obvious to include Poindexter's cleaning apparatus in Lindner's dispensing assembly, such that Poindexter's fluid dispersing means is disposed in Lindner's drip tray. In particular, the Examiner has not explained why it would have been obvious to sanitize Lindner's drip tray, which is "is easily and readily removable from the housing . . . for cleaning" (FF 9), while the drip tray is disposed on

the housing. Thus, the Examiner has not explained why it would have been obvious to include the cleaning apparatus in Lindner's assembly. In addition, the Examiner has not explained why it would have been obvious to dispose Poindexter's fluid dispersing means in the drip tray. Although Poindexter discloses that the fluid dispersing means may be located beneath the cooling coils (FF 5), Poindexter does not disclose disposing its fluid dispersing means in the collection tray itself, nor has the Examiner set forth an adequate reason why, in the context of a product dispenser, it would have been obvious to do so.

For these reasons, we agree with Appellants that the Examiner has not set forth a prima facie case that claim 15 would have been obvious. We therefore reverse the obviousness rejection of claim 15 and of claims 16-24, which depend from claim 15.

#### CONCLUSION

The Examiner has not shown that the claims would have been obvious to a person of ordinary skill in the art based on the applied references. We therefore reverse the rejections of claims 1-24.

#### REVERSED

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